

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: ADJUVANTED GENETIC VACCINES the specification of which

X is attached hereto  
— was filed on

and assigned Serial No.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than six months prior to this application.

I hereby claim priority benefits under Title 35, United States Code §120 of any United States application(s) for letters patent as indicated below and have also identified below any application for patent on this invention having a filing date before that of the application for patent on which priority is claimed:

<u>Application No.</u>	<u>Date of Filing (day/month/year)</u>	<u>Priority Claimed</u>
09/122,931	07/27/1998	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
08/472,085	06/07/1995	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

I hereby appoint the following attorneys and agents to prosecute that application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to the invention:

Thomas P. McCracken, Reg. No. 38,548

Address all correspondence to: Thomas P. McCracken at:

POWDERJECT TECHNOLOGIES, INC.  
6511 Dumbarton Circle  
Fremont, CA 94555  
Telephone: (510) 742-9700  
Facsimile: (510) 742-9720

Address all telephone calls to: Thomas P. McCracken at (510) 742-9700, extension 209.

This appointment, including the right to delegate this appointment, shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Joel R. HAYNES  
Citizenship: USA  
Residence: Madison, Wisconsin  
Post Office Address: 585 Science Drive, Madison, Wisconsin 53711

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Full Name of Inventor: Georg WIDERA  
Citizenship: Germany  
Residence: Madison, Wisconsin  
Post Office Address: 585 Science Drive, Madison, Wisconsin 53711

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Full Name of Inventor: James T. FULLER  
Citizenship: USA  
Residence: Madison, Wisconsin  
Post Office Address: 585 Science Drive, Madison, Wisconsin 53711

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Full Name of Inventor: Timothy SHIPLEY  
Citizenship: USA  
Residence: Madison, Wisconsin  
Post Office Address: 585 Science Drive, Madison, Wisconsin 53711

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Full Name of Inventor: Deborah FULLER  
Citizenship: USA  
Residence: Madison, Wisconsin  
Post Office Address: 585 Science Drive, Madison, Wisconsin 53711

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Full Name of Inventor: Mary WU  
Citizenship: USA  
Residence: Madison, Wisconsin  
Post Office Address: 585 Science Drive, Madison, Wisconsin 53711

Signature: \_\_\_\_\_ Date \_\_\_\_\_

10-29-1997

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OCT 20 1997

CEIPT ACCTING Atty Dkt No. 7011-8004

100560536

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECORDATION COVER SHEET (PATENT)

JCS42 U.S. PTO  
09/43377 11/03/99  
Barcode

1. Name of conveying party/parties: MJO  
10-20-97  
AURAGEN, INC.

2. Name and address of receiving party/parties:

POWDERJECT VACCINES, INC.  
585 Science Drive, Suite C  
Madison, WI 53711

3. Nature of conveyance: Assignment  
X Name Change  
— Other

Execution date: September 10, 1997

4. Application number(s) or patent number(s):

A. Patent Application No(s).: 07/858,818; 07/931,882; 08/033,071;  
08/347,785; 08/352,263; 08/444,173;  
08/472,085; 08/659,206; 08/665,116;  
08/719,503; 08/747,870; 08/767,374

B. Patent No(s).: 5,120,657; 5,149,655; 5,260,191; 5,405,779;  
5,470,708; 5,506,125; 5,525,510; 5,584,807;  
5,661,132

If this document is being filed together with a new application, the execution date of the application is:

and the title of the new application is:

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office in an envelope addressed to: The Commissioner for Patents, Washington, D.C. 20231 on 10/15/97

Gail Warducci

Signature

October 15, 1997

Date

(10/28/1997 TT0H11 0000042 5120E57  
01 FC:581 840.00 OP)

5. Name and address of party to whom correspondence concerning document should be mailed:

Thomas P. McCracken  
ROBINS & ASSOCIATES  
90 Middlefield Road, Suite 200  
Menlo Park, CA 94025

6. Total number of applications/patents involved: 21

7. Total fee: 21 x \$40.00 = \$840

X Enclosed is a check for \$840.00.

— Authorized to be charged to deposit account

8. Deposit account number:- 18-1648.

9. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

10. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Dated: 15 October 1997

By: Thomas McCracken  
Thomas P. McCracken  
Registration No. 38,548

ROBINS & ASSOCIATES  
90 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 325-7812  
Fax: (650) 325-7823

Total no. of pgs. incl. cover sheet, attachments, document: 3

Mail to: Assistant Commissioner for Patents,  
Box Assignment, Washington, D.C. 20231

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"GENIVA, INC.", A DELAWARE CORPORATION,  
WITH AND INTO "AURAGEN, INC." UNDER THE NAME OF "POWDERJECT VACCINES, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE NINTH DAY OF SEPTEMBER, A.D. 1997, AT 9 O'CLOCK A.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.

  
Edward J. Freel, Secretary of State

AUTHENTICATION:

B643446

DATE:

09-16-97

2038094 B100M

971300056

RE VED

JUL 14 1997



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 03, 1997 ROBINS & ASSOCIATES

PTAS

ROBINS & ASSOCIATES  
THOMAS P. MCCRACKEN  
90 MIDDLEFIELD ROAD, STE. 200  
MENLO PARK, CA 94025



\*100429851A\*

1c542 U.S. PRO  
JUL 09 / 43377  
11/03/99

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/27/1997

REEL/FRAME: 8526/0710  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HAYNES, JOEL R.

DOC DATE: 05/09/1997

ASSIGNOR:

WIDERA, GEORG

DOC DATE: 05/08/1997

ASSIGNOR:

FULLER, JAMES T.

DOC DATE: 05/08/1997

ASSIGNEE:

AURAGEN, INC.  
585 SCIENCE DRIVE, STE. C  
MADISON, WISCONSIN 53711

SERIAL NUMBER: 08472085

FILING DATE: 06/07/1995  
ISSUE DATE:

PATENT NUMBER:

8526/0710 PAGE 2

JOANN STEWART, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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MAY 27 1997

100-29851

Atty Dkt No. 7011-0008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECORDATION COVER SHEET (PATENT)

JC542 U S PRO  
09/43377  
11/03/97

- 5/27/97  
1. Name of conveying party/parties:

Joel R. Haynes, Georg Widera, and James T. Fuller

2. Name and address of receiving party/parties:

AURAGEN, INC.  
585 Science Drive, Suite C  
Madison, WI 53711

3. Nature of conveyance:  Assignment  
 Name Change

Execution date: May 9, 1997, May 8, 1997 and May 8, 1997

4. Application number(s) or patent number(s):

- A. Patent Application No(s).: 08/472,085  
B. Patent No(s).:

If this document is being filed together with a new application, the execution date of the application is:

and the title of the new application is:

5. Name and address of party to whom correspondence concerning document should be mailed:

Thomas P. McCracken  
ROBINS & ASSOCIATES  
90 Middlefield Road, Suite 200  
Menlo Park, CA 94025

6. Total number of applications/patents involved: 1

7. Total fee: 1 x \$40.00 = \$ 40.00

00000025 08472085  
40.00 op

06/02/1997 VBRWNN  
01 FC:581

- X Enclosed is a check for \$ 40.00.
- Authorized to be charged to deposit account
8. Deposit account number: 18-1648.
9. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.
10. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Dated: 21 MAY 1997

By: Thomas McCracken  
Thomas P. McCracken  
Registration No. 38,548

ROBINS & ASSOCIATES  
90 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (415) 325-7812  
Fax: (415) 325-7823

Total no. of pgs. incl. cover sheet, attachments, document: 4

Mail to: Assistant Commissioner for Patents,  
Box Assignment, Washington, D.C. 20231

## ASSIGNMENT

JOINT

THIS ASSIGNMENT, by Joel R. Haynes, Georg Widera, and James T. Fuller (hereinafter referred to as the assignors), residing at Middleton, Wisconsin, Middleton, Wisconsin, and Oregon, Wisconsin, respectively, witnesseth:

WHEREAS, the said assignors have invented certain new and useful improvements in GENETIC VACCINES FOR INFECTIOUS DISEASE set forth in an application for Letters Patent of the United States, bearing Serial No. 08/472,085 and filed on June 7, 1995; and

WHEREAS, Auragen, Inc. a corporation duly organized under and pursuant to the laws of Delaware, and having its principal place of business at 585 Science Drive, Suite C, Madison, WI 53711 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient considerations, the receipt of which is hereby acknowledged, the said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto the assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the said assignee, for its own use and behoof and the use and behoof of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, the said assignors hereby covenant and agree to and with the said assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, the said assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that the said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, the said assignors hereby covenant and agree to and with the said assignee, its successors, legal representatives and assigns, that the said assignors will, whenever counsel of the said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding

in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of the said assignee, its successors, legal representatives and assigns.

AND the said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to the said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the said assignee, its successors, legal representatives and assigns.

Date 5/9/97 Name of Inventor Joel R. Haynes  
Joel R. Haynes

Date 5/8/97 Name of Inventor Georg Widera  
Georg Widera

Date 5/8/97 Name of Inventor James T. Fuller  
James T. Fuller

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DEC 15 1997

ROBINS & ASSOCIATES  
DECEMBER 04, 1997



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

PTAS



\*100560536A\*

ROBINS & ASSOCIATES  
THOMAS P. MCCRACKEN  
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SUITE 200  
MENLO PARK, CA 94025

Jc542 U.S.PTO  
09/43377  
11/03/99

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/20/1997

REEL/FRAME: 8761/0036  
NUMBER OF PAGES: 3

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

AURAGEN, INC.

DOC DATE: 09/10/1997

ASSIGNEE:

POWDERJECT VACCINES, INC.  
585 SCIENCE DRIVE, SUITE C  
MADISON, WISCONSIN 53711

SERIAL NUMBER: 07858818 - 7011-0021.10  
PATENT NUMBER:

FILING DATE: 03/27/1992  
ISSUE DATE:

SERIAL NUMBER: 07931882 7011-0022.01  
PATENT NUMBER:

FILING DATE: 08/18/1992  
ISSUE DATE:

SERIAL NUMBER: 08033071 7011-0017.01  
PATENT NUMBER:

FILING DATE: 03/10/1993  
ISSUE DATE:

SERIAL NUMBER: 08347785 7011-0020  
PATENT NUMBER:

FILING DATE: 11/15/1994  
ISSUE DATE:

SERIAL NUMBER: 08352263	7011-0003.03	FILING DATE: 12/07/1994
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 08444173	7011-0024	FILING DATE: 05/18/1995
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 08472085	7011-0008	FILING DATE: 06/07/1995
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 08659206	7011-0023	FILING DATE: 06/05/1996
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 08665116	7011-0015	FILING DATE: 06/14/1996
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 08719503	7011-0014	FILING DATE: 09/25/1996
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 08747870	7011-0025	FILING DATE: 11/13/1996
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 08767374	7011-0019.01	FILING DATE: 12/16/1996
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 07422921	7011-0021.21	FILING DATE: 10/17/1989
PATENT NUMBER: 5120657		ISSUE DATE: 06/09/1992
SERIAL NUMBER: 07541563	7011-0011	FILING DATE: 06/21/1990
PATENT NUMBER: 5149655		ISSUE DATE: 09/22/1992
SERIAL NUMBER: 07828087	7011-0009	FILING DATE: 01/30/1992
PATENT NUMBER: 5260191		ISSUE DATE: 11/09/1993
SERIAL NUMBER: 08045434	7011-0013	FILING DATE: 04/09/1993
PATENT NUMBER: 5405779		ISSUE DATE: 04/11/1995
SERIAL NUMBER: 08061430	7011-0010.01	FILING DATE: 04/02/1993
PATENT NUMBER: 5470708		ISSUE DATE: 11/28/1995
SERIAL NUMBER: 08172447	7011-0006	FILING DATE: 12/22/1993
PATENT NUMBER: 5506125		ISSUE DATE: 04/09/1996
SERIAL NUMBER: 08459204	7011-0007	FILING DATE: 06/02/1995
PATENT NUMBER: 5525510		ISSUE DATE: 06/11/1996
SERIAL NUMBER: 08376319	7011-0019.20	FILING DATE: 01/20/1995
PATENT NUMBER: 5584807		ISSUE DATE: 12/17/1996
SERIAL NUMBER: 08343401	7011-0004.22	FILING DATE: 11/22/1994
PATENT NUMBER: 5661132		ISSUE DATE: 08/26/1997

8761/0036 PAGE 3

MAYA BENNETT, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS